

**244 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**C.R.M-M No.12279-2015 (O&M)
Date of Decision : 30.11.2015**

Suba and others

..... Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Ashit Malik, Advocate
for the petitioners.

Mr. Surinder Singh Pannu, DAG, Haryana.

Mr. Sidhharth Gulati, Advocate
for respondents No.2, 3, 4 (i), (ii) and (iii).

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.41 dated 11.04.2012 registered under Sections 420/467/468/471/120-B IPC at Police Station Kalayat, District Kaithal and all consequent proceedings arising therefrom on the basis of compromise.

On 20.07.2015 the following order was passed:-

*"Learned State counsel filed reply by way of affidavit of
Tekan Raj, DSP (HQ) Kaithal on behalf of respondent No.1-State*

and the same is taken on record.

Learned counsel for respondents No.2, 3, 4(i), 4(ii) and 4(iii) does not dispute the compromise.

The parties are directed to appear before the trial Court on 18.08.2015 for recording their statements regarding the factum of compromise. Trial Court would ensure that the compromise is voluntary and without any threat or coercion. The original compromise be also produced before the Area Magistrate.

Trial Court is also directed to send his report regarding genuineness of compromise and also the terms of settlement alongwith copies of statements before the next date.

List on 17.11.2015.”

Thereafter, the report of the Judicial Magistrate 1st Class, Kaithal dated 21.08.2015 has been received whereby he has mentioned that the parties had appeared before him and had attested to the fact that a compromise has indeed taken place between them and that the compromise has been executed voluntarily and without any pressure.

The Hon'ble Supreme Court in **Gian Singh v. State of Punjab and another** reported as 2012(4) RCR(Criminal) 543 has discussed in detail the inherent powers of High Court in quashing a criminal proceeding or FIR or complaint where the parties have entered into compromise except the cases which involve offences such as murder, rape dacoity etc. as such offences are not private in nature and have serious impact on society.

In view of the above judicial pronouncement, I am of the considered opinion that continuation of criminal proceedings between the parties would be an abuse of the process of law and the present

compromise is for their benefit and will bring peace and harmony between them.

Consequently, this petition is allowed and the above said FIR and all consequential proceedings arising therefrom are quashed qua the petitioners.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

November 30, 2015

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**